



**DEPARTMENT OF ENVIRONMENTAL PROTECTION**  
**Monthly Enforcement Report**  
**for actions during November 2007**  
**DISTRIBUTED: December 10, 2007**

---

*This report has been prepared to satisfy a statutory obligation DEP has to inform the public of certain enforcement resolutions. This report does not include summaries of the hundreds of compliance related activities occurring every month because it is impractical to capture a sampling of those activities that would be representative of that work. Please contact Peter Carney at (207) 287-4305 or [Peter.J.Carney@Maine.gov](mailto:Peter.J.Carney@Maine.gov) for additional information regarding the activities listed in this report.*

---

The following cases were resolved to achieve compliance with the law; remediate environmental damage; restore natural resources to appropriate conditions; and impose and deter similar actions in the future.

**Administrative Consent Agreements Approved by the Board of Environmental Protection and Department of the Attorney General (violator followed by location of violation):**

*Air:*

**K&M Motors, Inc., Millinocket, Maine.** K&M Motors, Inc. ("K&M") violated Maine's rule for *New Motor Vehicle Emission Standards* by selling a "non-California-Certified" vehicle in Maine. To resolve the violation, K&M paid \$2,080.00 as a civil monetary penalty.

**Rowe Ford Sales, Auburn, Maine.** Rowe Ford Sales ("Rowe") violated Maine's rule for *New Motor Vehicle Emission Standards* by selling a "non-California-Certified" vehicle in Maine. To resolve the violation, Rowe paid \$2,651.00 as a civil monetary penalty.

**Stop and Shoppe Food Mart, Inc., Portland, Maine.** Stop and Shoppe Food Mart, Inc. ("Stop and Shoppe") violated the Department's rules for *Gasoline Dispensing Facilities Vapor Control* by failing to conduct required annual performance testing in a timely manner on Stage II vapor recovery systems for 2002, 2003, 2004, 2005, 2006, and 2007 at its Portland gasoline dispensing facility. To resolve the violations, Stoppe and Shoppe paid \$3,000.00 as a civil monetary penalty.

**Vic Firth Manufacturing, Inc., Newport, Maine.** Vic Firth Manufacturing, Inc. ("Vic Firth") violated the Department's rules for *Emission Statements*. Pursuant to the rule, emissions statements must be filed by July 1 of the year following the inventory year. Vic Firth failed to submit timely statements for 2004, 2005, and 2006. To resolve the violations, Vic Firth paid \$1,500.00 as a civil monetary penalty.

*Asbestos:*

**H.H.H., L.L.C., South Portland, Maine.** H.H.H., L.L.C. ("H.H.H.") violated Maine's *Asbestos* laws and the Department's *Asbestos Management Regulations* while conducting asbestos abatement activities at a location in South Portland. H.H.H. failed to notify the Department in writing of an intention to engage in an asbestos abatement activity involving more than three linear feet or three square feet of asbestos-containing material, failed to use licensed or certified asbestos professionals to engage in an asbestos abatement activity, failed to comply with pre-abatement requirements such as asbestos project design requirements, and failed to comply with work practice requirements designed to prevent the release of asbestos fibers. To resolve the violations, H.H.H. paid \$55,000.00 as a civil monetary penalty.

*Hazardous Waste:*

**McFarland Associates, Inc., Windham, Maine.** McFarland Associates, Inc. ("McFarland") violated provisions of the *Maine Hazardous Waste, Septage and Solid Waste Management Act* and the Department's rules concerning *Standards for Generators of Hazardous Waste*. McFarland, a water quality testing laboratory, discharged hazardous waste and hazardous matter without a license. Specifically, waste samples containing mercury nitrate were routinely



## DEPARTMENT OF ENVIRONMENTAL PROTECTION

### Monthly Enforcement Report for actions during November 2007

DISTRIBUTED: December 10, 2007

---

*This report has been prepared to satisfy a statutory obligation DEP has to inform the public of certain enforcement resolutions. This report does not include summaries of the hundreds of compliance related activities occurring every month because it is impractical to capture a sampling of those activities that would be representative of that work. Please contact Peter Carney at (207) 287-4305 or [Peter.J.Carney@Maine.gov](mailto:Peter.J.Carney@Maine.gov) for additional information regarding the activities listed in this report.*

---

discharged to the septic system at the McFarland facility. Samples taken from the septic tank indicated levels of mercury exceeding the regulatory threshold for determining that a waste is hazardous for mercury. In addition, McFarland failed to mark containers of hazardous waste with the words "Hazardous Waste" and the date upon which the accumulation began, failed to determine if wastes generated were hazardous, and failed to keep containers of hazardous waste closed. Following Department involvement, McFarland implemented a sampling plan for sampling the facility's septic system, the result of which indicated that mercury levels in the tank exceeded the regulatory criteria for determining the waste to be a hazardous waste due to mercury content. Subsequently, the contents of the tank were pumped and disposed of as hazardous waste. The Department also requested that McFarland sample the septic system's leach field. Sampling results from a monitoring well indicated that mercury in groundwater below the leach field was non-detectable and mercury levels in soil were significantly below action levels set forth in the Department's guidelines for contaminated soils. To resolve the violations, McFarland will pay \$16,781.00 as a civil monetary penalty.

#### *Land:*

**Mercedes Borromeo, Bristol, Maine.** Mercedes Borromeo ("Borromeo") violated provisions of Maine's *Natural Resources Protection Act* and *Erosion and Sedimentation Control* law by cutting vegetation and disturbing soil in a wetland along the edge of Boyd Pond in an area approximately 300 feet long and five to ten feet wide. At the time of the Department's inspection, no erosion controls were installed. Following Department involvement, the wetland was allowed to naturally revegetate. To resolve the violations, Borromeo paid \$2,000.00 as a civil monetary penalty.

**Frederick Hollister, Raymond, Maine.** Frederick Hollister ("Hollister") violated provisions of Maine's *Natural Resources Protection Act* by placing fill material, approximately one yard of sand, on an existing beach adjacent to Sebago Lake. To resolve the violation, Hollister agreed to remove the sand from the beach, and paid \$550.00 as a civil monetary penalty.

#### *Water:*

**Kennebunk Sewer District, Kennebunk, Maine.** The Kennebunk Sewer District ("KSD") violated provisions of Maine's *Water Pollution Control* laws and the facility's waste discharge license by allowing its Fieldcrest Pumping Station to overflow to Wonder Brook, due to the failure of the station's pumps, between January 17, 2007 and January 29, 2007. A high level alarm malfunctioned and did not sound. The pumping station was inspected twice during the period of the overflow, but the employee conducting the inspection did not take action or notify management of the pump failure. To resolve the violation, KSD agreed to implement a training program for KSD operations and maintenance staff covering procedures for inspecting pumping stations and alarm systems, agreed to implement a semi-annual pumping station alarm system evaluation program, and paid \$1,835.00 as a civil monetary penalty.